

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL NO. 3:19-cv-147

UNIVERSAL ENVIRONMENTAL SERVICES LLC

Plaintiff(s),

VS.

LESSLIE LEE BOLIN, ROBERT LEE WALLACE JR.
and RICHARD LEE MOORE, individually and
doing business as L&R OIL RECOVERY

Defendant(s).

and related third-party action

CERTIFICATION AND REPORT
OF FED. R. CIV. P. 26(F)
CONFERENCE AND
DISCOVERY PLAN

Please fill in or check the appropriate blanks (print legibly) to certify completion of the Rule 26(f) Attorneys' Conference and provide the required information to the Court. Where the parties were unable to agree on a specific provision or item, please so note and attach any necessary explanation. Please note that this information will be used as a guideline by the judge conducting the Initial Pretrial Conference or issuing the Initial Pretrial Order.

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on September 19, 2019 (date) [] at _____ (place) or [✓] by telephone and was conducted by the undersigned counsel for the designated parties in the above captioned case.
2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) (check one) [] has been exchanged [✓] will be exchanged by October 18, 2019 (date).
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

- a) All discovery shall be commenced in time to be completed by May 22, 2020 (date). [If needed] Discovery on _____ (identify any issues requiring early discovery) will be completed by _____ (date).

- b) Discovery Limits:
- 1) Maximum of 20 (ordinarily 20) interrogatories by each party to any other party.
 - 2) Maximum of 20 (ordinarily 20) requests for admission by each party to any other party.
 - 3) Maximum of 10 depositions by plaintiff and 5 by each separately represented defendant.

- c) Reports from retained experts under Rule 26(a)(2) will be due:
- from plaintiff(s) by March 6, 2020 (date)
 - from defendant(s) by April 17, 2020 (date)
- Supplementations under Rule 26(e) due 30 days (list times(s) or interval(s))

4. Other Items. [Attach separate paragraphs as necessary if parties disagree.]

- a) The parties [] request ☒ do not request a conference with the court before entry of the scheduling order.

- b) All potentially dispositive motions should be filed by June 22, 2020 date, ordinarily one month after the close of discovery).

- c) Settlement:
- [] is likely
 - [] is unlikely
 - [] cannot be evaluated prior to _____ (date)
 - ☒ may be enhanced by use of the following ADR procedure:
 - ☒ mediated settlement conference
 - ☐ binding arbitration
 - ☐ other _____

The parties agree that the above selected ADR procedure would be most useful if conducted:

- [] after resolution of any outstanding dispositive motions, but prior to further discovery;
- [] after an initial round of preliminary discovery to be completed by _____ (date);
- [] after the completion of discovery;
- [] after resolution of summary judgment motions, if any;
- ☒ not applicable. parties agree to mediate in December 2019

- d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:
- from plaintiff(s) by August 21, 2020 (date)
 - from defendant(s) by August 21, 2020 (date)

e) If the case is ultimately tried, trial is expected to take approximately 5 days.

f) ☒ The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge, and ☐ there is ☒ there is not unanimous consent. *[If the parties unanimously consent to Magistrate Judge jurisdiction, the parties shall also file with the Court a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (AO 85)].*

5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, preservation of ESI materials, unmovable scheduling conflicts, etc.):

s/ Berj K. Parseghian	Universal Environmental Services LLC	9/20/19	s/ Christopher M. Kelly	Lesslie Lee Bolin and Robert Lee Wallace Jr.	9/19/19
<i>Plaintiff's Counsel</i>	<i>Party</i>	<i>Date</i>	<i>Defendants/Third-Party Plaintiffs' Counsel</i>	<i>Party</i>	<i>Date</i>
/s Christopher J. Derrenbacher	Universal Environmental Services LLC	9/20/19	s/ Michael Paul Thomas	Richard Lee Moore	9/19/19
<i>Plaintiff's Counsel</i>	<i>Party</i>	<i>Date</i>	<i>Defendant's Counsel</i>	<i>Party</i>	<i>Date</i>
			s/ Jennifer B. Milak	Keystone Powdered Metals Company	9/20/19
<i>Plaintiff's Counsel</i>	<i>Party</i>	<i>Date</i>	<i>Third-Party Defendant's Counsel</i>	<i>Party</i>	<i>Date</i>
<i>Plaintiff's Counsel</i>	<i>Party</i>	<i>Date</i>	<i>Defendant's Counsel</i>	<i>Party</i>	<i>Date</i>

CERTIFICATE OF SERVICE

I, Berj K. Parseghian, hereby certify under penalty of perjury that on September 23, 2019,

I served a copy of the foregoing **CERTIFICATION AND REPORT OF FED. R. CIV. P.**

26(F) CONFERENCE AND DISCOVERY PLAN by using the Court's CM/ECF system on:

Attorneys for defendants
Lesslie Lee Bolin and
Robert Lee Wallace Jr.

Christopher M. Kelly, Esq.
Ryan M. Arnold, Esq.
Gallivan, White & Boyd P.A.
PO Box 12250
Charlotte NC 28220
ckelly@GWBlawfirm.com
rarnold@GWBlawfirm.com

Attorneys for defendant
Richard Lee Moore

Michael Paul Thomas, Esq.
PO Box 218
Hickory, NC 28601
mthomas@phd-law.com

Attorneys for third-party
defendant Keystone Powdered
Metals Company

Jennifer B. Milak, Esq.
Teague Campbell Dennis & Gorham, LLP
PO Box 19207
Raleigh, NC 27619
jmilak@teaguecampbell.com

DATED: September 23, 2019

s/ Berj K. Parseghian

Berj K. Parseghian